

No. 93.

# AN ACT

Relating to Adoption.

## PETITIONS IN ADOPTION PROCEEDINGS.

Section 1. Be it enacted, &c., That it shall be lawful for any adult citizen of this commonwealth residing therein, desirous of adopting any person, either a minor or an adult, as his or her heir or as one of his or her heirs, to present his or her petition to the Orphans' Court or to a law judge thereof of the county where he or she may be resident, declaring such desire and that he or she will perform all the duties of a parent to such person. Such petition shall also set forth the name, age, date, and place of birth of the person proposed to be adopted; the name, residence, and marital status of the adopting parent or parents; the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided; and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided.

Adoption.

Contents of petition.

Section 2. Consents Necessary to Adoption. Consents to the adoption is necessary, as follows:

Consents necessary.

(a) Of the person proposed to be adopted if over twelve years of age, and of said person's husband or wife if any;

(b) Of the adopting parent's husband or wife unless they jointly adopt such person;

(c) Of the parents or surviving parent of the person proposed to be adopted, except that in the case of an illegitimate child the consent of the mother only is necessary unless the father has acknowledged such child; but the consent of a parent who has been adjudged a lunatic or habitual drunkard or who has abandoned the child is unnecessary, provided such fact is proven to the satisfaction of the court or judge hearing the petition, in which case such court or judge shall so find as a fact;

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder, then of the legal guardian if any there be, and of the person or persons having the legal custody of such child if any such person can be found; but if such child has no father or mother living or whose consent is necessary hereunder and no legal guardian, and no person can be found who has the legal cus-

Hearing.

tody of such child, and the same be proven to the satisfaction of the court or judge hearing the petition, the said court or judge shall so find as a fact.

Who must appear  
in person.

Section 3. Hearings. Upon presentation of any such petition as aforesaid a time for hearing thereon shall be fixed not less than ten days from said presentation, which said hearing may be before the said court or any law judge thereof at chambers, and may be adjourned from time to time if the nature of the case should so require. At said hearing the adopting parents or parent, the person proposed to be adopted, and all the persons whose consent is necessary hereunder must appear in person and be examined under oath by such court or judge, but the personal appearance of the natural parents or other persons whose consent is necessary hereunder may be dispensed with in the discretion of the court or judge hearing the petition, if such persons reside without the jurisdiction of the court, or if for any other reason the said court or judge deem it unnecessary, provided the duly executed consents of such persons in writing have been filed with the petition; and the said court or judge may in his discretion require the personal appearance of the natural parents of the child at a different time and separate and apart from that of the other parties in interest. The said court or judge shall also hear any other testimony as to the facts set forth in the petition or necessary to inform the court as to the desirability of the proposed adoption, and may also make or cause to be made an investigation by some person or agency specifically designated by said court or judge to verify the statements of the petition and such other facts as will give the court full knowledge as to the desirability of the proposed adoption.

Discretion of  
court.

May take other  
testimony.

May make investi-  
gations.

Decree.

Section 4. Decrees of Courts, Records. If satisfied that the statements made in the petition are true, and that the welfare of the person proposed to be adopted will be promoted by such adoption, and that all the requirements of this act have been complied with, the court or judge shall make a decree so finding and reciting the facts at length, and directing that the person proposed to be adopted shall have all the rights of a child and heir of such adopting parent or parents, and be subject to the duties of such child; but otherwise shall make a decree refusing the adoption and dismissing the petition. If desired by the parties the decree may also provide that the person adopted shall assume the name of the adopting parent or parents. Such decree shall be filed and spread at length upon the records of said court and shall be sufficient evidence of the adoption and shall be open to the public. All other papers pertaining to the case

Contents.

Decree to be re-  
corded and to be  
evidence.

and the testimony if written out shall be kept in the files of said court as a permanent record thereof and may in the discretion of said court or judge be withheld from inspection, by a proper order, in which case no person shall be allowed access thereto, except upon an order of court granted upon cause shown.

Other papers may be withheld from inspection.

Section 5. Repeals. The following acts and parts of acts of assembly are hereby repealed absolutely:

Repeals.

Section seven of an act, approved the fourth day of May, one thousand eight hundred and fifty-five (Pamphlet Laws, four hundred and thirty), entitled "An act relating to certain duties and rights of husband and wife, and parents and children."

Section 7, act of May 4, 1855 (P. L. 430).

An act, approved the second day of April, one thousand eight hundred and seventy-two (Pamphlet Laws, thirty-one), entitled "An act relating to the rights of adopted children, being a supplement to an act, entitled 'An act relating to certain duties and rights of husband and wife, and parents and children,' approved the fourth day of May, one thousand eight hundred and fifty-five."

Act of April 2, 1872 (P. L. 31).

Section ten of an act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, one hundred and forty-two), entitled "An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption."

Section 10 of act of June 11, 1879 (P. L. 142).

An act, approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred and twenty-five), entitled "An act amending section seven of an act, entitled 'An act relating to certain duties and rights of husband and wife, and parents and children,' approved the fourth day of May, Anno Domini one thousand eight hundred and fifty-five, providing that married men or women in case of drunkenness or profligacy of husbands or wives, may consent to the adoption of their children."

Act of May 19, 1887 (P. L. 125).

An act, approved the ninth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred and sixty-eight), entitled "An act relating to the adoption of any person as an heir."

Act of May 9, 1889 (P. L. 168).

An act, approved the second day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred and six), entitled "An act conferring jurisdiction upon the courts of common pleas of the counties of this Commonwealth to authorize the adoption of children in the said county, by a person living in another State, upon petition of either parent of such child."

Act of July 2, 1901 (P. L. 606).

An act approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred and ninety-seven), entitled "An act to

Act of April 22, 1905 (P. L. 297).



amend an act, entitled 'An act amending section seven of an act, entitled "An act relating to certain duties and rights of husband and wife and parents and children," approved the fourth day of May, Anno Domini one thousand eight hundred and fifty-five, providing that married men or women, in case of drunkenness or profligacy of husbands or wives, may consent to the adoption of their children.' "

Act of June 1,  
1911 (P. L. 539).

An act, approved the first day of June, one thousand nine hundred and eleven (Pamphlet Laws, five hundred and thirty-nine), entitled "An act relating to the adoption of adult persons as heirs."

Act of May 28,  
1915 (P. L. 580).

An act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred and eighty), entitled "An act amending section one of an act, entitled 'An act amending section seven of an act, entitled "An act relating to certain duties and rights of husband and wife, and parents and children," approved the fourth day of May, Anno Domini one thousand eight hundred and fifty-five; providing that married men or women, in case of drunkenness or profligacy of husbands or wives, may consent to the adoption of their children,' approved the nineteenth day of May Anno Domini one thousand eight hundred and eighty-seven."

Other acts inconsistent herewith.

All other acts of assembly or parts thereof that are in any way in conflict or inconsistent with this act or any part thereof are hereby repealed.

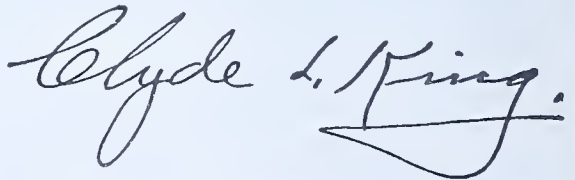
Effective date.

Section 6. Effective date. This act shall take effect and be in force on the first day of July, one thousand nine hundred and twenty-five.

APPROVED—The 4th day of April, A. D. 1925.

GIFFORD PINCHOT.

The foregoing is a true and correct copy of the Act of the General Assembly No. 93.



Secretary of the Commonwealth.

No. 214

AN ACT

Validating adoptions in courts of record of the Commonwealth.

Section 1. Be it enacted, &c., That any adoption heretofore granted or decreed by any court of record of this Commonwealth in which either the person or persons adopting, or the person or persons adopted, was a non resident or were non residents of this Commonwealth at the time such adoption was granted or decreed, or any adoption which was granted prior to the expiration of the full ten days required by the act of Assembly to intervene between the filing of the petition for the adoption and the hearing of such petition by the court, or any adoption which was granted without the formal entry of findings of fact is hereby declared valid and lawful as though made with full observance of all the requirements of the said act of Assembly mentioned: Provided, That the petition and decree for such adoption was otherwise in accordance with the act of Assembly pertaining thereto.

Validating  
certain adop-  
tion proceed-  
ings heretofore  
decreed.

Proviso.

APPROVED—The 9th day of July, A. D. 1935.

GEORGE H. EARLE

The foregoing is a true and correct copy of Act of the General Assembly No. 214.



*Secretary of the Commonwealth.*



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AN ACT

To amend sections one and two of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred twenty-seven), entitled "An act relating to adoption."

Section 1. Be it enacted, &c., That section one of the act, approved the fourth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred twenty-seven), entitled "An act relating to adoption," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That it shall be lawful for any adult citizen of this Commonwealth residing therein, desirous of adopting any person, either a minor or an adult, as his or her heir or as one of his or her heirs, to present his or her petition to the orphans' court, or to a law judge thereof, of the county where he or she may be resident, *or of the county in which the person to be adopted is a resident*, declaring such desire and that he or she will perform all the duties of a parent to such person. Such petition shall also set forth the name, age, date, and place of birth of the person proposed to be adopted; the name, residence, and marital status of the adopting parent or parents; the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided, and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided.

Section 2. That section two of said act is hereby amended to read as follows:

Section 2. Consents Necessary to Adoption—Consent to the adoption is necessary as follows:

(a) Of the person proposed to be adopted, if over twelve years of age, and of said person's husband or wife, if any;

(b) Of the adopting parent's husband or wife, unless they jointly adopt such person;

(c) Of the parents or surviving parent of the person proposed to be adopted, except that, in the case of an illegitimate child, the consent of the mother only is necessary, unless the father has acknowledged such child, but the consent of a parent who has been adjudged a lunatic or habitual drunkard, or who has abandoned the child, is unnecessary, provided such fact is proven to the satisfaction of the court or judge hearing the petition, in which case such court or judge shall so find as a fact;

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder, then of the legal guardian, if any there be, and of the person or persons having the legal custody of such child, if any such person can be found, but if

Adoption.

Section 1 of act of April 4, 1925 (P. L. 127), amended.

Petition.

Contents.

Section 2 amended.

Consents.

such child has no father or mother living or whose consent is necessary hereunder, and no legal guardian, and no person can be found who has the legal custody of such child, and the same be proven to the satisfaction of the court or judge hearing the petition, the said court or judge shall so find as a fact;

*(e) If the person proposed to be adopted has theretofore been adopted, then of such adopting parents, or surviving adopting parent, subject to the same exception provided in clause (c) of this section in the case of natural parents.*

APPROVED—The 26th day of April, A. D. 1929.

JOHN S. FISHER

The foregoing is a true and correct copy of Act of the General Assembly No. 353.

A handwritten signature in dark ink, appearing to read "Charles Johnson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Secretary of the Commonwealth